

James Earl Harvey/aka: Abdul O. SHukur

D-4-112/C-48884 (SHU)

P.O. Box 7500

Crescent City, Ca 95532

Pelican Bay State Prison

In Pro. Per

**FILED**  
JUN 18 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

United States District Court  
Northern District of California

James Earl Harvey/aka: Abdul O. SHukur

✓

R. Hovel: Warden/Cpt. X Brandon: ISU/

S. Puente: ICI/ et al.

Case No. C08-2894 VRW

Amend Claim One of My 1983  
Civil Complaint.

Approximately seven (7) days ago I filed a complaint under the Civil Rights Act, Title 42 U.S.C. § 1983 concerning First amendment violations: 1) Free speech violation, and 2) Religious Freedom violation. Claim one in that civil complaint addresses both free speech and Religious Freedom violations, at the beginning of writing that civil complaint claim one had yet to be exhausted, but before I completed that civil complaint I had heard from the warden via the CCI counsellor M. Peña so the issue was exhausted by the time I had completed the civil complaint which I had clearly stipulated in the conclusion portion of my complaint as well as in my prayer for relief. Two days after sending my writ out I received the warden decision in writing (see Exhibit S-1), though this decision only specifically speak to eight confiscated ~~ed~~ letters, it is also apply to the other seven (7) confiscated letters that was confiscated for the same reason.

Statement of Claim One Amended

As I contended in my original claim one, for approximately two months I was not able to send mail out with my Muslim name on it, and I was not about to capitulate

late to coercion. Being able to use my Muslim name is part of practicing my religion (Islam), and I was being denied that right by ICE officer J. Puente and TSA Capt. K. Brandon. What needs to be understood, this was not the case officers trying to enforce their policies or a misinterpretation of their policies, they had employed this policy only as a tool to censor my speech - as I stated in my original claim I had no problem with sending my mail out prior to 4-1-08, it all started when I had attempted to mail out this chainletter, the seven letters mentioned in Exhibit S-1 all contained that one page chainletter, and the approximately eight (8) letters confiscated in the following weeks had also contained that chainletter (see Exhibit 4-4)

This was not about my name, it was about that chainletter, in their attempt to censor my free speech they simultaneously violated my Religious Freedom as a Muslim. They can't plea ignorant, I am known throughout the system by my Muslim name (Abdul Olugbala Shakar), if you look at Exhibit Q-AA, this letter was written by the Assoc. Warden in 2004 and he also used my Muslim name, this was a letter addressed to a Professor that I work with, one of her letters was confiscated (not the first or last time). If you review Exhibit N-N you will find photocopies of letters I had received prior and during the confiscation of my mail, and you will notice each letter have my Muslim name, Exhibit N1, 2 & 4 have nothing but my Muslim name on it, and I receive these letters with no problems. These exhibits are clear proof that it wasn't about my name, they knew it wasn't fictitious. But in their clear attempt to censor my voice (free speech) they violated my right to practice my religion. The warden decision didn't come until 5/30/08, so for two months my first amendment rights were violated beyond any doubt. I seek the same relief/punitive damages I listed in my original complaint. The warden decision two months later only stopped the bleeding, but I was being stabbed for two months by his staff, and I believe I do deserve some relief for my two months of censorship and mental anguish.

James Earl [Signature] - aka: Abdul O Shakar  
IN PRO PER

6-10-08

Exhibit 5-1

<p align="center"><b>PELICAN BAY STATE PRISON</b>  <b>SECOND LEVEL REVIEW</b></p>
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DATE: **JUN 05 2008**

Inmate: HARVEY, James  
 Pelican Bay State Prison  
 Security Housing Unit  
 Facility D

RE: WARDEN'S LEVEL DECISION  
 APPEAL LOG NO. PBSP-D-08-01142

APPEAL: **GRANTED**  
 ISSUE: **MAIL**

This matter was reviewed by Robert A. Horel, Warden, at Pelican Bay State Prison (PBSP). Correctional Counselor II (CCII) M. Peña conducted the Appeal interview at the Second Level of Appeal Review on May 23, 2008.

All submitted documentation and supporting arguments have been considered at the Second Level of Review. Additionally, a thorough investigation has been conducted into the claim presented by inmate HARVEY and the documentation evaluated in accordance with PBSP's institutional procedures and the California Department of Corrections and Rehabilitation (CDCR) policies.

#### ISSUES

The issue of this Appeal is whether the outgoing mail from HARVEY meets the criteria for disapproval.

HARVEY states in Section A of the Appeal that seven pieces of outgoing mail and one piece of incoming mail were stopped for allegedly using a fictitious name or address. HARVEY attached eight CDCR 128-B's, Stopped Mail Notifications, dated April 9, 2008, to this Appeal. HARVEY'S incoming and outgoing mail was stopped for the use of fictitious name or address, deemed a threat to penalogical interests, and noting the name on the return address was not recognized by CDCR records.

HARVEY requests the seven letters be sent out and his incoming mail be given to him.

The First Level was bypassed in this Appeal.

On May 29, 2008, CCII M. Peña informed inmate HARVEY his appeal was being granted. His incoming mail was issued to him and his outgoing mail was processed. HARVEY was informed the CDCR 128B's attached to this Appeal would be removed from his Central File. PBSP Operational Procedure (OP) 205, Section VI K, states, in part, "*all incoming and outgoing mail shall have the correct inmate commitment name, CDCR identification number, housing address and zip code inscribed on the front of the envelope or package.*" United States Code Section (USCS), Title 18, Section 1342, states: "*Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his or her own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his or her own proper name, shall be fined under this title or imprisoned not more than five years, or both.*"



3.31.08

### The Dynamic Brevity Of Life

Life is a very complex phenomenon & seriously doubt that we as Humans will ever grasp the totality of and its evolving precarious implications, we are in constant search of life's unknown only to become enchanted by its innate intricacies. But one thing for sure life is not easy, it is a constant and persistent struggle, a revelation of introverted speculations, especially when one understands that life is without infinite continuity, sometimes the sense of finality in death numbs our sense of purpose.

Why must I continue to live when death seems to be my inevitable destination? What is the purpose of life when life must give in and capitulate its potential longevity to the decisive aggrandizement of death? To understand the natural contradictions of life and the opposing forces which seem to expedite the equilibrium of our very Humanity, one must travel within oneself in search of one's internal reservoir of spiritual presence, within the depths of this reservoir there lies truth, moral integrity and clarity of purpose fortified by the covenant of soul and spirit. I ask of you, what have your eyes seen to wish to see no more? What have your ears heard to wish to hear no more? Can deafness and blindness be desired within a society where government-sanctioned homicides are employed to satisfy a people's warped sense of justice? Or quench the insatiable thirst of man malevolence?

Though I have spent the past 25 years in solitary confinement my spirit is free, for I have transcended the concrete hell which contains my physical being, and I now walk amongst those who have touched the very soul of Humanity with the hope of obtaining purpose of life. Life is defined by purpose, and purpose is the articulated architecture of life, life only becomes confused when one is without purpose, so I say to you, find your purpose in life and you will become the master of your ever unyielding destiny. Please allow my words to resonate within the fibers of your God's consciousness and reverberated in the rhythm of your heart beat, and don't permit the reality of my situation to steal this ~~valuable~~ moment.

Abdul Olughala SHakar (s/w J. Harvey) - D-4.112/C-48881 (SHU)

P.O. Box 7500 - Crescent City, Ca 95532 - Pelican Bay State Prison

afardan@earthlink.net

Exhibit 4-4

STOPPED MAIL  
4/29/08

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE  
APPEAL FORM  
CDC 802 (12/87)

Location:

PBSP  
PBSP

SILVER HAY STATE PRISON

1. SECURITY HOUSING UNIT 3/7

2. DOB-01142 2. UNIT D-4

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
James Earl Harvey	C-48884	SHU	D-4-112

A. Describe Problem: On 4/11/08 I received eight (8) CDC 128-B stopped Mail notifications, seven (7) for out-going and one for in-coming. It is alleged that these mailings use a fictitious name or address and that they are deemed to be a threat to legitimate penological interests.

If you need more space, attach one additional sheet.

B. Action Requested: I want the seven (7) letters sent out and the one letter given to me.

Inmate/Parolee Signature:

Date Submitted:

4/14/08

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

RVPASS

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

RVPASS

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

APR 23 2008

2ND IGI



First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

**BYPASS**

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approved: \_\_\_\_\_ Returned: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Second Level ☒ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 4-23- Due Date: 6-25-08☒ See Attached Letter K. Brandon Capt.Signature: [Signature] Date Completed: 52908Warden/Superintendent Signature: [Signature] Date Returned to Inmate: 6/5/08

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_☐ See Attached Letter

Date: \_\_\_\_\_

Exhibit N-N



Tahany Shukur  
1011 Sugar Creek Ct.  
St. Peters, MO  
63376

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE.  
**CERTIFIED MAIL™**

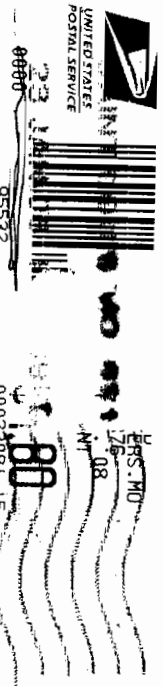


7006 2760 0003 3721 0761

TEACH  
Ms. Gwendolyn Kennedy  
285 Bellevue Ave  
Day City, CA 94014

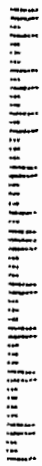
1/11/1963  
*[Handwritten signature]*

Abdul Olughaly Shukur  
S/n J. Harvey  
D. b. 12/1-6-4884 (Shu)  
P.O. Box 7500  
Crescent City, CA.  
95532  
95532+0000



SAFETY PRECAUTIONS: DO NOT  
USE JAW CRACKER FOR 24 HRS.

Abdul O. Shukur  
S/n James Harvey  
D-4-112/C-4884 (SHU)  
P O Box 7500  
Crescent City, CA  
95532  
95532+0000





J. Ford  
1640 Tyler Ln #99  
Stockton, CA 95207



STOCKTON/STKN  
CA 952 1 L  
14 JAN 2008 PM  
JAN 2 5 2008

Abdul Olugbala Shakur

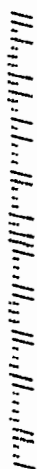
S/N J. Harvey

D-4-112/C48884 (SHU)

P.O. Box 7500

Crescent City, CA 95532

95532+0000



BAR NONE

PO BOX 1  
ARCAATA, CA 95518



EUREKA CA 955  
314 JAN 2008 PM 1 L

JAN 24 2008

Abdul Olugbala Shakur

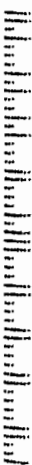
S/N J. Harvey #C-48884

PBSP SHU D-4-112

PO Box 7500

Crescent City CA 95532

95532+0000



Sojourner Truth Farm School  
Prisoner Publishing Network  
P.O. Box 311  
Poolesville, MD 20837

RECEIVED  
09 APR 2008 PM 2 L

Abdul Olugbala Shakur

(s/n J. Harvey)  
D-4-112/C-48884 (SHU)  
P.O. Box 7500  
Crescent City, CA 95532

APR 14 2008



55532+0000

Illegible barcode or tracking information.

Out the House Motion Pictures  
PO Box 30159  
Elkins Park PA.19027

MAR 15 2008



Abdul Olugbala Shakur

James Earl Harvey

D\_4\_112/C-48884 (Shu)

PO Box 7500

Crescent City CA. 95532



Illegible barcode or tracking information.

AMERICAN FRIENDS SERVICE COMMITTEE  
San Diego Area Office  
P.O. Box 126147  
San Diego, CA 92112

*Patricia Williams  
Columbia Union  
Crenshaw School*

Abdul Olugbala Shakur  
s/w J. Harvey  
D4112 - C48884 (SHU)  
P.O. Box 7500  
Crescent City, CA 95532

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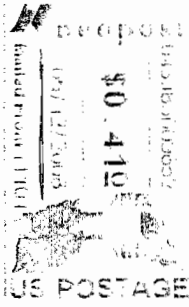
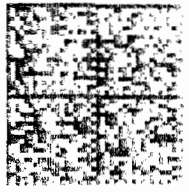
APR 24 2008

The Fortune Society



MAY 16 2008

PSRT  
STD



29-76 NORTHERN BOULEVARD, LONG ISLAND CITY, NY 11101

Abdul O. Shakur  
s/w J. Harvey  
#C48884/D4-112  
Pelican Bay State Prison  
PO Box 7500  
Crescent City, CA 45532

555347500

|||||

educate2elevate  
3710 Lone Tree Way #212  
Antioch, CA 94509

JAN 0 0 2008

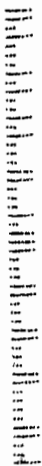


CALLERID 00A 0000  
US JAN 2008 PM 5 T



Mr. Abdul Olugbala Shakur  
s/n J. Harvey  
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Sojourner Truth Farm School  
Prisoner Publishing Network  
P.O. Box 311  
Poolesville, MD 20837

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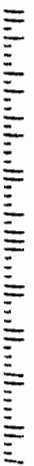


SOJOURNER TRUTH FARM SCHOOL  
12 JAN 2008 PM 1 T



Abdul Olugbala Shakur,  
(s/n Harvey)  
D-4-112/C-48884 (SHU)  
P.O. Box 7500  
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95532+0000





Families to Amend California's Three  
Strikes - FACTS  
3982 South Figueroa St # 209  
Los Angeles, California 90057

Mr. Abdul O. Shakur C-48884 (SHU)  
J. Harvey--D.4  
P.O. Box 7500  
Crescent City, Cal., 95532

MAY 06 2008





Exhibit N-1

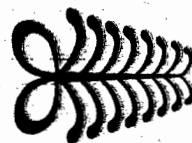
Vic Humeniuk  
14088 Ginger Dr  
Monterey, TN 38574-3632



JAN 02 2008

Abdul Shakur C-48884  
POBx 7500  
Crescent City CA 95532-0001  
121.118

Exhibit N-2



Darmu Khamisi s/n Darryl Garrett  
8944 Kleinman Rd.  
Highland IN 46322

CHICAGO IL 60605

JAN 09 2008 PM 4 1

Abul Shakur

#C-48884

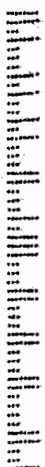
PO BOX 7500

Crescent City CA 95532

JAN 09 2008  
PX-112



95532+0000



MAY 16 2008

MAY 2008 PM 11 T

T-4-112/PO Box 7566  
Tulcan, Bol State, Ecuador  
Crescent City, CA 95532

[illegible]

1003 + Cary Ave.  
Cincinnati, OH. 45224-2461

CINCINNATI OH 452

2 JUN 1966 WFL 20

JUN 05 2000



Abdul Shikur #C48884

P.O. Box 7500  
121-113

Crescent City, CA. 95532

4416 + 800

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